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OFFICE OF PETITIONS

In re Application of
Tupler et al.
Application No. 10/748,881
Filed: December 30, 2003
Attorney Docket Number: CE11883JSW

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 2006, to revive the above-identified application.

The petition is dismissed.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of June 29, 2005. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 30, 2005. This decision precedes the mailing of a Notice of Abandonment.

The petition has not been reviewed on the merits because the petition provided has not been signed.

Pursuant to 37 CFR 1.33, amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of

the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

Further Correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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By facsimile: (571) 273-8300

By delivery service:
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Randolph Building
401 Dulany Street
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions